

**MINUTES OF THE SEPTEMBER 12, 2013 MEETING
OF THE REGIONAL HIE WORKGROUP OF THE GOVERNING BOARD OF THE
ILLINOIS HEALTH INFORMATION EXCHANGE AUTHORITY**

The Regional HIE Workgroup (“Workgroup”) of the Board of Directors (“Board”) of the Illinois Health Information Exchange Authority (“Authority”), pursuant to notice duly given, held a meeting at 3:00 p.m. on September 12, 2013 at the James R. Thompson Center, 100 W. Randolph St., Chicago, Illinois 60601, with a telephone and video conference call capability.

<u>Appointed Workgroup Members Present:</u> Mr. David Holland (phone) Dr. Nancy Newby (phone) Dr. Cheryl Whitaker	<u>OHIT Staff Present:</u> Raul Recarey, Kerri McBride, Elizabeth LaRocca, Ivan Handler, Lindsay Friedman, Krysta Heaney
<u>Institutional Members and Public Participants:</u> Jodi Sassana, MCHC (phone) Chuck Cox, MCHC (phone) Deb Gory, MCHC (phone) Steve Lawrence, LincolnLand and Illinois Health Exchange Partners (phone) Dana Crain, Southern Illinois Healthcare (phone) Steven Richardson (phone) Peter Ingram, Sinai Health System (phone) Keith Strudla, MCHC (phone) Max Mortenson, MCHC (phone)	<u>Institutional Member and Public Participants:</u> Dale Hamilton, MCHC (phone) Arra Botros, MCHC (phone) Dale Hamilton, MCHC (phone) John Norrenburg, Advocate Healthcare (phone) Susan O’Keefe, MCHC (phone) Julie Shermann, MCHC (phone) Steve Weigl, MCHC (phone) Victor Boike, MCHC (phone) Rich Chriscoviak (phone) Joy Duling, Southern Illinois HIE (phone) Karen Shane, Swedish Covenant Hospital (phone)

Call to Order and Roll Call

Ms. McBride, General Counsel of the ILHIE Authority, confirmed the presence of the Members of the Committee noted above and quorum. The ability of the Committee Members to clearly participate by telephone and videoconference was confirmed and there were no objections expressed to participation of any member by conference call.

Approval of Minutes

After the addition of the changes listed below, the minutes of the Workgroup meeting, that took place on July 29th, 2013, were approved with the following amendments:

- Peter Ingram was added to the list of attendees.

- Institutional members were added to the list of participants that included their changed participation status.
- A phrase clarifying the complex nature of the policy vs. technology discussion would be added to the minutes. It would state that policy and technology are interconnected and that the discussions may overlap.

Proposed ILHIE Authority Consent Management Policy

Mr. Ivan Handler reviewed the document entitled *Proposed ILHIE Authority Consent Management Policy*. Mr. Handler clarified that the *Policy* document is both the ILHIE Authority's informal policy and the rationale for the policy. Clarifying the ILHIE Authority's position, Mr. Handler pointed out that the ILHIE Authority was proceeding under the assumption that consumers expect that their HIE "opt-out" election would be effective throughout the State, however, the ILHIE Authority recognized that uniform adoption of the approach was not necessarily agreed upon. Mr. Handler said that the ILHIE Authority offers a State-wide central consent preferences repository for free to all RHIOs, and requests that RHIOs share patient consent elections with the ILHIE.

Mr. Handler reviewed RHIO interoperability consent options that were viewed unfavorably and, as a result, not adopted. These rejected options included: 1) creating a synchronized mechanism that allows for HIEs to synchronize their internal repositories with ILHIE, and 2) creating an on-demand sharing of consent preferences. Lastly, Mr. Handler provided information about ILHIE Authority's paper-based patient participation consent policy, as well as the ILHIE's annual review plans to be presented to the Board in June, 2014.

Ms. McBride invited comments and constructive help to move the process forward:

- Concerns were expressed about the notarization process and the length of time it may take to obtain it. The burden of notarization was recognized by staff and reasons for the requirement were given. Specifically, it was noted that because of a short 1-3 day turn-around time, a heightened need to accurately identify the patient, and because of a rampant increase in identity theft, notarization was viewed as a comparatively negligible encumbrance to the patient consent process.
- Concerns were expressed about RHIOs sharing consent (demographic) information with the ILHIE Authority where no data sharing agreement is in place, including in the event of an ILHIE breach. Limited data sharing agreements, business associate agreements or other patient consent were viewed as possible options. Staff indicated that it would likely consider this type of disclosure permitted under HIPAA as information being exchanged for the purposes of health care operations, namely care coordination. ILHIE Authority confirmed that it encrypts patient data.
- Concerns about the security of patient information were raised. Mr. Handler expressed that ILHIE takes measures to protect its data, and that any privacy and security suggestions would be well received.

- Institutional Members articulated the desire to create mechanisms for insulating themselves against the repercussions of data breaches that did not have technical origins. Obtaining insurance as well as the creation of contractual arrangements were cited as possible solutions.
- Concerns about the feasibility of patient “partial opt-out” of only certain RHIOs and the ILHIE were raised. It was acknowledged that it is operationally possible for a patient to opt-out of participating in a single HIE while still participating in others. It was generally agreed that the ILHIE Authority should clearly notify patients that if the patient opts-out of the ILHIE, the patient may not necessarily be opted-out of other RHIOs if those RHIOs are not connected to the ILHIE, and that the RHIOs notify patients of the same or, preferably, share the patient’s consent election with the ILHIE.

Connectivity and SAML

Mr. Handler presented information on SAML. SAML is a single-sign on communication standard that allows for exchange of information between HIEs. For interoperability purposes, the ILHIE Authority is proposing that all RHIOs adopt SAML standards by June 2014. In the interim, the ILHIE Authority would require non-SAML compliant RHIOs to match audit trails with ILHIE. This would have desired security benefits as well as the benefit of promoting consumer trust by allowing the creation audit trails.

Mr. Chuck Cox requested time to create a written response to the proposal. ILHIE staff welcomed the request and asked that it be submitted prior to the next RHIO meeting, in order to allow for adequate review.

Next Steps

The next meeting will be scheduled for the week of October 21st or October 28th.

Comments and topics for discussion should be sent to Mr. Raul Recarey, in advance of the next meeting.

Meeting minutes will be circulated within the next several weeks.

Public Comment

There were no public comments.

Adjournment

The meeting was adjourned 3:55 p.m.

Minutes submitted by: Daniel Procyk, Esq.

Reviewed by: Elizabeth LaRocca